

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

JASON WILLIAMS,

Plaintiff,

vs.

AT&T MOBILITY LLC,

Defendant.

Case No. 5:19-cv-00475-BO

**AT&T MOBILITY LLC’S MOTION FOR ORDER OF CONTEMPT AND TO
ENFORCE SUBPOENAS ON NON-PARTY ANEXIO ENTITIES**

Defendant AT&T Mobility LLC (“AT&T”) respectfully moves this Court for an order of civil contempt, pursuant to Fed. R. Civ. P. 37(b) and 45(g), against non-parties Anexio Data Centers, LLC, Anexio Managed Services, LLC, and Anexio, Inc. (collectively, “Anexio”) for their failure to comply with or provide any response to properly-served subpoenas for a deposition *duces tecum* in this matter. AT&T further requests, pursuant to Fed. R. Civ. P. 37(a)(3)(B)(i), that the Court order Anexio’s timely compliance with the subpoenas.

In support of this motion, AT&T relies on the declaration of Michael J. Breslin and evidence attached hereto, and the law and arguments set forth in the accompanying Memorandum, which are referred to and incorporated herein by reference.

In accordance with Fed. R. Civ. P. 26(c)(1) and Local Rule 7.1(c)(2), counsel for AT&T certifies it has made a good faith effort to confer with Anexio to obtain its compliance with the subpoenas.

WHEREFORE, AT&T respectfully requests that the Court enter an order:

1. Requiring Anexio Data Centers, LLC, Anexio Managed Services, LLC, and Anexio, Inc. to comply with the subpoenas by:

- a. Within seven (7) days of entry of the Court's order, designating in writing to AT&T's counsel a representative or representatives to testify regarding the examination topics set forth in Exhibit A to the subpoena, and identifying the topic(s) that each designee will be prepared to cover;
 - b. Ensuring each designee is able to testify as to information known or reasonably available to Anexio Data Centers, LLC, Anexio Managed Services, LLC, or Anexio, Inc. within his or her designated topic(s);
 - c. Making the designees available for deposition at a date to be scheduled with AT&T, but in no event later than thirty (30) days after entry of the Court's order; and
 - d. Producing to AT&T's counsel the documents in Anexio Data Centers, LLC's, Anexio Managed Services, LLC's, and Anexio, Inc.'s possession, custody, or control that are described in Exhibit B to the subpoenas at least five (5) business days prior to the scheduled deposition;
2. Providing notice to Anexio Data Centers, LLC, Anexio Managed Services, LLC, and Anexio, Inc. that they may be subject to further civil contempt sanctions for failure to comply with the Court's order;
 3. Requiring Anexio Data Centers, LLC, Anexio Managed Services, LLC, and Anexio, Inc., jointly and severally and pursuant to Fed. R. Civ. P. 37(b)(2)(C), to reimburse AT&T for its reasonable attorneys' fees and costs incurred in bringing this Motion;
 4. Finding Anexio Data Centers, LLC, Anexio Managed Services, LLC, and Anexio, Inc. to be in civil contempt; and
 5. Granting such other and further relief as the Court deems just and proper.

For the Court's convenience, a proposed order is attached hereto.

Respectfully submitted this 16th day of September, 2021.

/s/ Joseph S. Dowdy
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CERTIFICATE OF SERVICE

I hereby certify that on date set out below, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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Counsel for Plaintiff Jason Williams

I further certify that I have emailed a copy of the foregoing to an Anexio representative, Jason Long (jlong@anexio.com), and to Anexio's "contact us" email (info@anexio.com); and have dispatched a process server to serve the foregoing on Paracorp Incorporated, 176 Mine Lake Ct. #100, Raleigh, NC 27615, which is the registered agent of Anexio Data Centers, LLC and Anexio Managed Services, LLC, and upon Paracorp Incorporated, 155 Office Plaza Drive, 1st Floor, Tallahassee, FL 32301, which is the registered agent of Anexio, Inc.

This the 16th day of September, 2021.

/s/ Joseph Dowdy
Joseph S. Dowdy